Remarks:

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 1, 5, 7 - 11 and 22 - 24 are presently pending in the application. Claims 1 and 10 have been amended.

In item 2 of the above-identified Office Action, claims 1, 5, 7 - 11 and 22 - 24 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over FR. 470,543 to Bourdin ("**BOURDIN**") in view of U. S. Patent No. 4,014,234 to Spengler ("**SPENGLER**") and U. S. Patent No. 5,526,726 to Shore ("**SHORE**").

Applicants respectfully traverse the above rejections, as applied to the amended claims.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 has been amended to recite, among other limitations:

> "**one drive rotating said first cutting cylinder at a speed proportional to the speed of the ribbon** for cutting the ribbon and providing a signature cut from the ribbon with a smooth, straight edge;" [emphasis added by Applicants]

Independent claim 10 has been amended to additionally recite a similar limitation. As such, all claims currently require,

among other limitations, a drive that rotates the cutting cylinder **at a speed proportional to the speed of the ribbon.** The above limitation is neither taught, nor suggested, by the references cited in the present case. For example, as stated in the Office Action on page 2, the "Fr. 470,543 [**BOURDIN**] **fails to disclose one drive rotating the first cutting cylinder**, . .". In failing to disclose the drive that rotates the first cutting cylinder, **BOURDIN** cannot teach or suggest that the drive that rotates the cutting cylinder does so **at a speed proportional to the speed of the ribbon.**

Nor does the **SPENGLER** reference cited in the Office Action teach or suggest Applicants' particularly claimed drive rotating the first cutting cylinder at a speed proportional to the speed of the ribbon. More particularly, the **SPENGLER** reference discloses a cutting apparatus including a drive mechanism for driving a cutting roller and a counter pressure roller. In **SPENGLER**, it is taught that the sheet material is moved **at a constant speed**, while the speed of the drive mechanism is changed to accommodate the size of the finished blank. As such, in **SPENGLER,** the speed of the drive that rotates the cutting cylinder **is <u>not</u>** driving the cutting cylinder **at a speed proportional to the speed of the ribbon,** as is required by Applicants' claims. For example, col. 6 of **SPENGLER**, lines 33 - 49, states:

> "FIG. 6 illustrates a workpiece or blank 75 for a folding box. The longitudinally extending edges 76 and 77 are cut by the disk cutters 47 as mentioned above. Similarly, the dashed crease lines 78 and 79 are also produced by the cutting means 27.
>
> The shorter sides are cut by the cutting roller 26 and the length of the workpiece or blank will be determined by the speed of the feed advance of the sheet material as well as by the arrangement of the knives on the drum and the rotation of the cutting roller. **Thus, the size of the finished blank may be determined by the control of the clutch and brake elements as described above**. For example, if a smaller blank is to be cut, as indicated by the thinner line 80, **the control of the brake and clutch will be adjusted accordingly, while moving the sheet material with a constant speed in the feed advance direction.**" [emphasis added by Applicants}

Nothing in the **SPENGLER** reference teaches or suggests that the drive rotating the cutting cylinder operates **at a speed proportional to the speed of the ribbon.** To the contrary, the **SPENGLER** reference teaches that the cutting roller 26 is intermittently driven by engaging and disengaging the clutch brake, respectively, **while the speed of the material blank remains constant.**

As such, the **SPENGLER** reference not only fails to teach or suggest Applicants' claimed invention, it actually teaches away from, among other limitations, Applicants' expressly claimed drive that rotates the cutting cylinder **at a speed proportional to the speed of the ribbon.**

Additionally, as stated in col. 5, line 23 to 27 of **SPENGLER**:

> "Due to the angular adjustment of the position of the cutting roller 26 it is possible to vary the cutting position after each cutting step. **This has the advantage that workpieces may be cut from the sheet material having a predetermined shape**, for example, a trapezoidal shape." [emphasis added by Applicants]

As such, **SPENGLER** discloses varying the cutting position to **cut workpieces having a predetermined shape,** and not for "**controlling a position of said cylinders in regard to the ribbon and therefore controlling a cutting length of the ribbon**", as required by Applicants' claims.

Further, the **SHORE** reference, cited in the Office Action, does nothing to make up for the failures in the teachings of the **BOURDIN** and **SPENGLER** references.

As such, it is accordingly believed that none of the references, whether taken alone or in any combination, either teach or suggest the features of Applicants' independent claims 1 and 10. Claims 1 and 10 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 and 10.

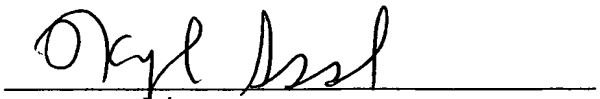
In view of the foregoing, reconsideration and allowance of claims 1, 5, 7 - 11 and 22 - 24 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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